

REMARKS

Claims 1-11, 14-15, and 37-61 are now pending in the application with claims 1-4, 7-9, 11, 15, 37-58, and 61 having been withdrawn. Claims 5, 10, and 14 are currently amended. No claims are cancelled or newly added by this amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 5, 6 and 59 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Holmes (U.S. Pat. Pub. No. 2002/0116610; "Holmes"). This rejection is respectfully traversed.

As a threshold matter, Applicant respectfully submits that Holmes is deficient as a §102 reference, as Holmes does not contemplate a session control server, or "a server that establishes a session between first and second communication devices." Rather, Holmes is directed to a method for generating customized digital certificates. (Abstract.) To achieve this, Holmes contemplates a certification authority. The certification authority does not establish a session between first and second communication devices. Accordingly, Applicant respectfully submits that Holmes cannot be relied upon as a reference under 35 U.S.C. §102(b).

Additionally, in his response to Applicant's previous remarks, the Examiner states:

"while it is a subject of interpretation as to what applicant regards as 'to be identical to,' there are two valid interpretations of Holmes when applied to the amended limitation. Since the certificate itself is stored on the very same client that issued the request, it has the 'identical' certificate issued by the authority and

cached by the database. Another interpretation is the client derives a certificate received by the corresponding to the certificate received by the certification authority."

Office Action, November 18, 2009, page 4. Applicant respectfully submits that neither interpretation proffered by the Examiner is consistent with the language of the claim. Claim 5 recites, in part: "a storing unit that stores the address information and the public key certificate with a validity period of the address information being set to be identical to that of the public key certificate." (Emphasis added.) It is clear that it is the validity period of the address information that is being set to be identical to the validity period ("that of") the public key certificate. While the Examiner is afforded the broadest reasonable interpretation of the claims, in both of the Examiner's interpretations, the term "identical to" describes a relationship between two certificates, e.g., the stored certificate is identical to the issued certificate or the client derived certificate is identical to the certificate received by the certification authority. Accordingly, it is respectfully submitted that neither interpretation is consistent with the language of the claims, which clearly show that it is the validity period of the address information that is set to be identical. Accordingly, Applicant respectfully submits that the Holmes reference cannot be relied upon to teach the foregoing limitation.

Furthermore, Applicant respectfully submits that Holmes contemplates three distinct structures performing various tasks, while Applicant has claimed a single server. Applicant respectfully submits that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131, citing to: *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore,

"the elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required." MPEP § 2131 citing to: *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In particular, the Examiner relies on the Certification Authority 140 to anticipate "a receiving unit that receives, from the first communication device, a request for registering an address information on the first communication device and issuing a public key certificate of the first communication device." The Examiner, however, relies on the sender/subscriber computer system 110 to teach "a storing unit that stores the address information and the public key certificate with a validity period of the address information being set to be identical to that of the public key certificate."

While Applicant respectfully disagrees that Holmes can even be read to anticipate the claimed storing unit, which is discussed in greater detail below, Applicant further submits that the Examiner has relied on a storing unit found in the client, which is analogous to the unclaimed communication device. Furthermore, in his response to Applicant's previous response, the Examiner states "while the Examiner addressed Figure 1, element 150 as 'a storing unit,' however, Figure 1, element 110 (the subscriber computer system or client) also comprises a storing unit and further records in memory the requested digital certificate." (Emphasis added.) It appears that the Examiner relies on either the optional central database 150 or the client 110 to anticipate the storing unit. It is respectfully submitted that neither the optional central database 150 or the client 110 may be relied upon for the basis for anticipation as Applicant has claimed a single apparatus, namely, a server. Based on the Examiner's rejection, however, it appears that the Examiner has interpreted the claim as a system

claim, as the Examiner relies on various different apparatuses to teach the elements of the claim. Accordingly, Applicant respectfully submits that the elements in Holmes are not arranged as required by the claim and, thus, are insufficient to serve as a basis for an anticipation rejection.

Further, Applicant respectfully submits that the Holmes reference does not teach "a storing unit that stores the address information and the public key certificate with a validity period of the address information being set to be identical to that of the public key certificate." In particular, Holmes does not teach a structure that sets the validity period of the address information to be identical to that of the public key certificate. In fact, it does not appear that the Holmes reference even contemplates having address information having a validity period.

Nonetheless, Applicant has amended its claims to more clearly define the invention. In particular, Applicant has amended claim 5 to include a session control unit that directed to performing session control. As previously discussed, Holmes is directed to the generation of customizable digital certificates. Holmes is not a session control service, and the certificate authority of Holmes can best be described as a trusted third party. Accordingly, Holmes is deficient in that it does not recite the claimed session control unit. Reconsideration and withdrawal of the rejection is, therefore, respectfully requested.

Moreover, Applicant has amended the claims so that it is clear that the validity period of the address information is set to be identical to the validity period of the public key certificate of the first communication device. As discussed, Holmes does not even contemplate a validity period of address information, let alone setting the validity period

of the address information to be identical to the validity period of the public key certificate. Accordingly, Applicants respectfully submit that claim 5 patentably defines over the Holmes reference. Reconsideration and withdrawal of the rejection is, therefore, respectfully requested. Further, claims 6 and 59 depend directly from claim 5. Accordingly, for at least the reasons provided above, claims 6 and 59 also define over the Holmes reference. Reconsideration and withdrawal of the rejections of these claims is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 10, 14 and 60 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Holmes in view of Ono (U.S. Pat. Pub. No. 2002/0035685; "Ono"). This rejection is respectfully traversed.

Claims 10 and 14 have been amended in a manner similar to claim 5. Thus, for the reasons provided above, claims 10 and 14 patentably define over the Holmes reference. In the Office Action, the Examiner cites to the Ono reference to teach "issuing the public key certificate when the signal is determined to include the request for issuing the public key certificate." Applicant respectfully submits that the Ono reference, however, does not teach controlling a session between the first and second communication devices. As Ono cannot cure the deficiencies, Applicant respectfully submits that claims 10 and 14 define over the combination of references.

Furthermore, Applicant submits that the Ono reference does not contemplate setting "storing the address information and the public key certificate of the first communication device, wherein a validity period of the address information is set to be

identical to the validity period of the public key certificate." Similar to the Holmes reference, the Ono reference does not teach or otherwise suggest address information having a validity period, let alone a validity period that is set identical to the validity period of the public key certificate. Accordingly, claims 10 and 14 patentably define over the combination of references. Reconsideration and withdrawal of the rejections of claims 10 and 14 is respectfully requested. Further, claim 60 depends directly from claim 10. Thus, for at least the reasons provided above, claim 60 defines over the combination of references. Reconsideration and withdrawal of the rejection of claim 60 is, therefore, respectfully requested.

Additionally, according to the present disclosure, the session control server executes steps of claims 10 and 14, thereby achieving the following: "Since, as has been explained above, according to the first embodiment of this invention, an digital certificate (a public key certificate) which is necessary for high secrecy signal transmission and reception between communication devices is managed after having been checked by the session control server for validity in correspondence to the communication device, accordingly distribution of digital certificates which can actually be utilized is possible, and validity checking during session establishment becomes easy for the user" (page 29, lines 3-9 of the specification as filed). However, the foregoing cannot be achieved by the combination of Holmes and Ono, as neither discloses the claimed storing step, which allows for the validity checking during session establishment. While Applicant recognizes that the patentability of a claim rises and falls with the language of the claim, the foregoing is provided merely to show the deficiencies of Holmes and Ono in a practical sense.

Additionally, Applicant's specification sets forth a number of problems that are solved by Applicant's disclosure. For example, the combination of Holmes and Ono cannot solve the following problem set forth in the specification: "If the recipient in the communication holds one or more digital certificates, and those validity are different with each other, it is necessary for the person who employs the digital certificates, when starting a session, in order to decide which of the digital certificates is appropriate to utilize, to obtain multiple digital certificates which correspond to the recipient in the communication from a management server for digital certificates, and to verify the validities for each" (page 2, line 21 to page 3, line 2 of the specification as filed). As pointed out above, by storing the public key certificate in the storing unit of the session control server and the address information along with the validity periods thereof, validation of a certificate can be performed at the session control server and invalid certificates can be easily identified.

Additionally, the framework proposed in Holmes and Ono requires that validation of a certificate go through a trusted third party, e.g., the certification authority, which creates the "problem of causing a delay in the procedure of starting the session" (page 3, lines 10-11 of the specification as filed). By allowing a session control server to perform the issuing/verification of a public key certificate, a session is not delayed as a result of waiting for verification of the certificate.

Therefore, it is respectfully submitted that claims 10, 14, and 60 define patentable subject matter over the combination of Holmes and Ono. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: February 17, 2010

By: /Gregory A. Stobbs/_____
Gregory A. Stobbs
Reg. No. 28,764

HARNES, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

GAS/TSE/dec

15295102.1